

*From the Desk Of:*

**Thomas Alan Linzey, Esq.**

Special Legal Counsel to the Green Party of United States (GP-US)  
2859 Scotland Road  
Chambersburg, Pennsylvania 17201

September 18, 2001

Mr. Michael Marinelli, Esq.  
Office of General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, D.C. 20463

AOR 2001-13 - Green Party of the United States  
Reply to Challenge Letter Filed September 10, 2001 by the "Greens/Green Party USA"

Dear Mr. Marinelli,

On September 10, 2001, an organization known as the "Greens/Green Party USA" filed a two-page letter challenging the recent Advisory Opinion Request (AOR 2001-13) submitted by the Green Party of the United States. That AOR seeks recognition of the Green Party of the United States' Coordinating Committee as the National Committee of the Green Party.

As with Mr. Evenchick's earlier letter to the FEC (*See* Evenchick Letter to Federal Election Commission, dated August 27, 2001), the "Greens/Green Party USA" organization has failed to provide any materials, documents, or affidavits to support the claims and allegations made within the letter. As such, we believe most of their allegations should be treated as unverified assertions.

As with our Reply to Mr. Evenchick's letter (*See* Reply of Green Party of the United States to Mr. Evenchick, dated September 11, 2001), we have selected the primary allegations contained within the letter as the focus for our comments below:

1. The "Greens/Green Party USA" states that "we wish to point out that some of these candidates [listed in the Green Party of the United States AOR] were not affiliated with the GPofUS [sic]." *See* Greens/Green Party USA Letter at 1, para. 3.

In the Advisory Opinion Request submitted by the Green Party of the United States, the organization submitted as an Attachment a "Partial History of Green Party Candidates in the United States". *See* Exhibit Four to AOR 2001-13. At no point in the filing did the Green Party of the United States represent that the candidates who appeared on that list ran as "members" of the Green Party of the United States or its forerunner, the Association of State Green Parties. Those federal candidates which were used by the Green Party of the United States to support its AOR, however, specifically filed affidavits in support of the AOR and those affidavits are contained within the AOR at Exhibit Five.

In addition, the AOR specifically points out that the list of Candidates contained in that "Partial History" was not "intended to imply that all of these candidates have indicated support for this filing." *See* AOR at 5. At another part of the filing, the Green Party of the United States - once again - specifically noted that "this listing is not intended to imply that all of these candidates have necessarily indicated support for this filing." *See* AOR at 13.

Given that the listing included in the AOR included candidates who appeared on ballots from 1986 to 1996 and beyond; and that the Association of State Green Parties (ASGP) was not formed until November of 1996, it is obvious that many of these candidates for municipal offices were not "members" of the Association of State Green Parties (ASGP).

2. The "Greens/Green Party USA" states that "we are also perplexed to see that candidates are included in the filing who ran their campaigns before GPofUS [sic] was formed in August of 2001." See Greens/Green Party USA Letter at 1, para. 8.

As noted throughout the AOR and in the Reply to Mr. Evenchick's Letter, the Green Party of the United States is the final evolution of the Association of State Green Parties (ASGP) which was originally launched in November of 1996. One of the original goals of the Association was to form a legally structured national Green Party organization which would eventually apply for recognition as the National Committee of the Green Party of the United States.

All of the candidates for federal office which are used to support this AOR ran as nominated candidates of their respective State Green Parties. Those State Green Parties were formally affiliated with the Association of State Green Parties (ASGP) at the time those candidates ran for federal office.

Of the sixteen federal candidates used to support this filing, two candidates were nominated by the Green Party of California, one candidate was nominated by the Green Party of Colorado, three candidates were nominated by the Green Party of Michigan, one candidate was nominated by the Green Party of Nevada, two candidates were nominated by the Green Party of New Jersey, two candidates were nominated by the Green Party of New Mexico, three candidates were nominated by the Green Party of New York State, one candidate was nominated by the Green Party of Pennsylvania, and one candidate was nominated by the Washington State Green Party. The affiliation status of each of those organizations is outlined below to clarify that those candidates for federal office ran as nominees of State Green Parties which were affiliated with the Association of State Green Parties (ASGP) at the time those candidates were nominated:

The Green Party of California affiliated with the Association of State Green Parties (ASGP) on November 21, 1998, and has affiliated with the Green Party of the United States. See Attachment One to this Reply. The Party has also filed its Affiliation Agreement with the FEC via the AOR at Exhibit Two. The two federal candidates nominated by the Green Party of California, Donna Warren and Medea Benjamin, served as candidates in June of 2001 and November, 2000 respectively.

The Green Party of Colorado affiliated with the Association of State Green Parties (ASGP) on October 6, 1997. See Attachment Two to this Reply. The Green Party of Colorado has filed its Affiliation Agreement with the FEC via the AOR at Exhibit Two. The one federal candidate from the Green Party of Colorado, Ron Forthofer, was nominated as a candidate in November of 2000.

The Green Party of Michigan affiliated with the Association of State Green Parties (ASGP) in March of 1997. See Attachment Three to this Reply. The Green Party of Michigan has filed its Affiliation Agreement with the FEC via the AOR at Exhibit Two. The two federal candidates nominated by the Green Party of Michigan, Tom Ness and Matt Abel, both served as candidates in November of 2000.

The Green Party of Nevada affiliated with the Association of State Green Parties (ASGP) in June of 1997. See Attachment Four to this Reply. That Affiliation Agreement extended from June of 1997 to the July 28th Santa Barbara national gathering. As a participant at that meeting, the Green Party of Nevada voted to form the Green Party of the United States. The federal candidate nominated by the Green Party of Nevada, Charles Laws, served as a candidate in November of 2000.

The Green Party of New Jersey affiliated with the Association of State Green Parties (ASGP) on May 7, 1997. See Attachment Five to this Reply. The New Jersey Green Party has filed its Affiliation Agreement with the FEC via the AOR at Exhibit Two. The two federal candidates nominated by the New Jersey Green Party, Carl Mayer and Joe Fortunato, both served as candidates in November of 2000.

The Green Party of New Mexico affiliated with the Association of State Green Parties (ASGP) on September 27, 1997. See Attachment Six to this Reply. The New Mexico Green Party has filed its Affiliation Agreement with the FEC via the AOR at Exhibit Two. The two federal candidates nominated by the New Mexico Green Party, Carol Miller and Bob Anderson, both served as candidates in November of 1998.

The Green Party of New York State affiliated with the Association of State Green Parties (ASGP) on November 15, 1997. See Attachment Seven to this Reply. The Green Party of New York State has filed its Affiliation Agreement with the FEC via the AOR at Exhibit Two. The three federal candidates nominated by the Green Party of New York State, Dal Lamagna, Mark Jacobs, and Joel Kovel, served as candidates in November of 2000 and November of 1998.

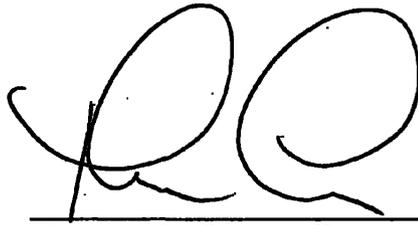
The Green Party of Pennsylvania affiliated with the Association of State Green Parties (ASGP) in June of 1997. See Attachment Eight to this Reply. The Pennsylvania Green Party has filed its Affiliation Agreement with the FEC via the AOR at Exhibit Two. The one federal candidate nominated by the Pennsylvania Green Party, Alanna Hartzok, served as a candidate in a special election held in May of 2001.

The Green Party of Washington State and its nominated federal candidate, who served as a candidate in November of 2000, Joe Szwaja, both support the filing of the AOR by the Green Party of the United States. Mr. Szwaja has filed an affidavit in support of the filing via the AOR at Exhibit 5. In addition, on August 16, 2001, the Green Party of Washington State filed a Letter with the FEC supporting the AOR. See Attachment Nine to this Reply.

Thus, with the exception of Mr. Szwaja, each of the federal candidates used in the filing were nominated by State Green Parties which were affiliated with the Association of State Green Parties (ASGP) at the time of their candidacies. In the case of Mr. Szwaja and the Green Party of Washington State, both the candidate and the State Party support the AOR filing submitted by the Green Party of the United States.

We hope that this Reply clarifies some of the more serious misstatements advanced by the "Greens/Green Party USA." We would note that at the conclusion of their September 10th submission, the organization does "not object to any other political party filing for recognition as a national party or for national committee status." See Greens/Green Party USA Letter at 2, para. 7. As such, we believe that the "Greens/Green Party USA" filing does not contest or challenge the AOR filed by the Green Party of the United States.

We thank you for this opportunity to clarify and correct the statements asserted by the "Greens/Green Party USA" on these issues. If you desire additional clarification, please don't hesitate to contact either Thomas Linzey, Special Legal Counsel, or David Cobb, Senior Legal Advisor to the Green Party of the United States at the addresses or phone numbers below.



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Thomas Alan Linzey, Esq.  
Special Legal Counsel to the Green Party of the United States  
2859 Scotland Road  
Chambersburg, Pennsylvania 17201  
(717) 709-0457



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David Cobb, Esq.  
Senior Legal Advisor, Green Party of the United States  
818 West 31st Street  
Houston, Texas 77018  
(713) 880-3219



# Green Party of California

September 7, 2001

To Whom It May Concern:

The Green Party of California voted at our November 21, 1998 state meeting to affiliate with the Association of State Green Parties. We have maintained continual affiliation with the Association of State Parties since then and our delegates voted to help form and affiliated with the Green Party of the United States at the July 28, 2001 national meeting in Santa Barbara, California.

Sincerely,



Peggy Lewis

Michael Borenstein  
Co-coordinators, GPCA

Attachment 1  
Linzey letter 9/18/2001

*Agreed to  
Dean*

**Resolution of the Green Party of Colorado to Join The  
Association of State Green Parties (ASGP)**

***BE IT HEREBY RESOLVED*** that the Green Party of the State of Colorado has agreed to formally affiliate with the Association of State Green Parties, and formally agrees to abide by the Bylaws agreed upon by the Association of State Green Parties.

It is understood that this State Party shall appoint two delegates from this state to be represented upon the Coordinating Committee of the Association of State Green Parties. It is also understood that these delegates should be gender balanced.

It is also agreed that the undersigned State Party reserves all rights and powers to the State Party that are not given, through the Provisional Bylaws, to the Association of State Green Parties.

I swear that I am empowered to enter into the above mentioned affiliation agreement with the Association of State Green Parties, and that the below mentioned State Party formally voted to join the ASGP on 10-6-97

*Dean Johnson*  
Green Party of Colorado Title

Agreed to this 6 Day of October, 1997

*Attachment 2  
Linzey letter 9/18/2007*

Resolution of the Green Party of Michigan to Join The Association of State Green Parties (ASGP)

**BE IT HEREBY RESOLVED** that the Green Party of the State of Michigan has agreed to formally affiliate with the Association of State Green Parties, and formally agrees to abide by the Bylaws agreed upon by the Association of State Green Parties.

It is understood that this State Party shall appoint two delegates from this state to be represented upon the Coordinating Committee of the Association of State Green Parties. It is also understood that these delegates should be gender balanced.

It is also agreed that the undersigned State Party reserves all rights and powers to the State Party that are not given, through the Provisional Bylaws, to the Association of State Green Parties.

I swear that I am empowered to enter into the above mentioned affiliation agreement with the Association of State Green Parties, and that the below mentioned State Party

formally voted to join the ASGP on March 1997

Cary A. Henry Campaign Coordinator  
Green Party of Michigan Title

Agreed to this 5<sup>th</sup> Day of October, 1997

Attachment 3  
Linzey letter 9/18/2001

Resolution of the Green Party of Nevada to Join The Association of State Green Parties (ASGP)

**BE IT HEREBY RESOLVED** that the Green Party of the State of Nevada has agreed to formally affiliate with the Association of State Green Parties, and formally agrees to abide by the Bylaws agreed upon by the Association of State Green Parties.

It is understood that this State Party shall appoint two delegates from this state to be represented upon the Coordinating Committee of the Association of State Green Parties. It is also understood that these delegates should be gender balanced.

It is also agreed that the undersigned State Party reserves all rights and powers to the State Party that are not given, through the Provisional Bylaws, to the Association of State Green Parties.

I swear that I am empowered to enter into the above mentioned affiliation agreement with the Association of State Green Parties, and that the below mentioned State Party

formally voted to join the ASGP on June '97

  
Green Party of Nevada

Title

Agreed to this 5th Day of October, 1997

Attachment 4  
Linzey letter 9/18/2007

**Resolution of the Green Party of New Jersey to Join The Association of State Green Parties (ASGP)**

***BE IT HEREBY RESOLVED*** that the Green Party of the State of New Jersey has agreed to formally affiliate with the Association of State Green Parties, and formally agrees to abide by the Bylaws agreed upon by the Association of State Green Parties.

It is understood that this State Party shall appoint two delegates from this state to be represented upon the Coordinating Committee of the Association of State Green Parties. It is also understood that these delegates should be gender balanced.

It is also agreed that the undersigned State Party reserves all rights and powers to the State Party that are not given, through the Provisional Bylaws, to the Association of State Green Parties.

I swear that I am empowered to enter into the above mentioned affiliation agreement with the Association of State Green Parties, and that the below mentioned State Party

formally voted to join the ASGP on ~~10/5/97~~ May 3<sup>rd</sup> 1997

Melb \_\_\_\_\_ A.S.G.P. Delegate  
Green Party of New Jersey Title

Agreed to this 5 Day of October, 1997

Attachment 5  
Linzey letter 9/18/2001

**OFFICIAL AFFILIATION AGREEMENT**

**BETWEEN**  
**The Green Party of New Mexico**  
**AND**  
**The Association of State Green Parties**

**BE IT HEREBY RESOLVED** this 27<sup>th</sup> day of September 1997 that the Green Party of New Mexico (NMGP) agrees to formally affiliate with the Association of State Green Parties, and formally agrees to abide by the provisional Bylaws of the Association.

It is understood that the NMGP shall appoint two delegates from New Mexico to represent the NMGP on the Coordinating/Steering Committee of the Association. It is also understood that these two representatives should be gender balanced.

It is also agreed that the undersigned NMGP reserves all rights and powers to the NMGP that are not given, through the provisional Bylaws of the Association, to the Association of State Green Parties.

It is also agreed that the NMGP will continue to conduct voter registration drives in the State of New Mexico

It is also agreed that the NMGP will use its best efforts to support ballot access for national candidates nominated by the Association of State Green Parties and candidates nominated by the NMGP

It is also agreed that the NMGP will conduct a State convention, at minimum, once each election year.

It is also agreed that the NMGP will solicit contributions for State, local and national Green Party candidates.

It is also agreed that the NMGP will make its best efforts to nominate candidates for State, local and federal offices.

It is also agreed that the NMGP shall operate according to the bylaws of the NMGP as filed with New Mexico's Secretary of State.

The following representatives of the NMGP, acting pursuant to the Bylaws of the Green Party of New Mexico, swear that they are empowered to enter into this affiliation agreement with the Association of State Green Parties.

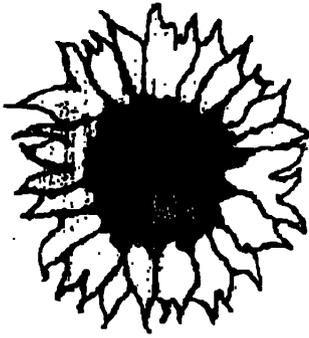
Signed this <sup>19<sup>th</sup></sup> Day of October, 1997  
Tammy Davis  
Co-Chair, Green Party of New Mexico

Signed this 17<sup>th</sup> day of 1997  
Rick Lass  
Co-Chair, Green Party of New Mexico

Attachment 6  
Linzey letter  
9/18/2001

*Elizabeth Alworth, Mayor, Santa Fe County, New Mexico*

*John W. ... Santa Fe County, New Mexico*



**Greens/Green Party  
of  
New York State**

David Levner  
Clearinghouse Coordinator  
63-36 98th Place, Suite 51  
Rego Park, N.Y. 11374  
Voice: 888-NY4-GREENS  
E-mail: levner@panix.com

Rachel Treichler  
Treasurer  
192 Fifth Avenue  
Brooklyn N.Y. 11217  
Voice: 718-783-0042  
E-mail: treichler@earthlinks.com

Ecological Responsibility  
Social and Economic Justice  
Grassroots Democracy  
Nonviolence  
Decentralization  
Community-based Economics  
Feminism  
Respect for Diversity  
Personal & Global Responsibility  
Future Focus

Associate General Counsel N. Bradley Litchfield  
Federal Election Commission  
Office of General Counsel  
999 E. Street, NW  
Washington, D.C. 20463

December 31, 1998

Dear Mr. Litchfield,

This communication is intended as a supplement to Advisory Opinion 1996-43 concerning the status of the Green Party of New York State.

At the time of the submission of the request for the Advisory Opinion, the GPoNYS was solely affiliated at the national level with the Greens/Green Party USA (G/GPUSA).

As of November 15, 1997 the GPoNYS became affiliated with the Association of State Green Parties (ASGP). The GPoNYS has agreed to send a delegate to meetings of that national organization, in addition to the representative sent from the GPoNYS to meetings of the G/GPUSA.

Therefore, the GPoNYS is currently affiliated with both national organizations, the G/GPUSA (Greens/Green Party USA) and the ASGP (Association of State Green Parties). This dual affiliation should not affect our state committee status, granted through A.O. 1996-43.

Our new Clearinghouse Coordinator is Mark Dunlea. He takes office on January 1, 1999. If you have any questions concerning this letter, please contact him at the number or address below.

Mark Dunlea  
156 Big Top Way  
Pocstunkill NY 12140  
518-286-3411

Yours for a better world,

*David Levner*

David Levner, Clearinghouse Coordinator

Attachment 7  
Linzey letter 9/18/2001

**Resolution of the Green Party of Pennsylvania to Join The Association of State Green Parties (ASGP)**

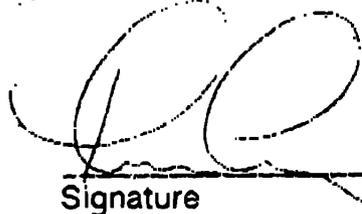
***BE IT HEREBY RESOLVED*** that the Green Party of the State of Pennsylvania agrees to formally affiliate with the Association of State Green Parties and formally agrees to abide by the Bylaws agreed upon by the Association of State Green Parties.

It is understood that this State Party shall appoint two delegates from this state to be represented upon the Coordinating Committee of the Association of State Green Parties. It is also understood that these delegates should be gender balanced.

It is also agreed that the undersigned State Party reserves all rights and powers to the State Party that are not given, through the Provisional Bylaws, to the Association of State Green Parties

I swear that I am empowered to enter into the above mentioned affiliation agreement with the Association of State Green Parties and that the Green Party of Pennsylvania

formally voted to join the ASGP on June 1997

  
Signature

Legal Advisor  
Title

Agreed to this 7th Day of October, 1997

Attachment 8  
Linzey letter 9/18/2001

# Green Party of Washington State

16 August 2001

To Whom It May Concern:

The Green Party of Washington State agrees with, and completely supports, the recent filing with the Federal Election Commission by the Association of State Green Parties.

The Pacific Northwest has become quite active in Green Party politics, and we are proud to have supported the campaign of Joe Szwaja last year. His run for United States Representative in the 7<sup>th</sup> Congressional District against Jim McDermott resulted in the highest percentage ever received for a Green Party candidate for partisan office. There are already nearly twenty Green candidates for office, in partisan and non-partisan races, in 2001, quite an increase from three candidates in 2000.

It was our honor to accept the ASGP invitation to the July national conference in Santa Barbara, where we were allowed, even though Washington state is unaffiliated nationally as yet, to participate in the historic vote to file with the FEC as the Green Party of the United States.

We look forward to continued involvement in the national Green Party.



Kara Cariello, Facilitator/Chair  
Green Party of Washington State

Attachment 9  
Linzey letter 9/18/2001

# Legal and Tax Entities The Association of State Green Parties and The Green Party of the United States

## Tax Entity for the National Green Party

The Association of State Green Parties (ASGP) was formally created as an unincorporated association on November 17, 1996 in Middleburg, Virginia with the agreement of nine State Green Parties to form and affiliate with the Association. That meeting was hosted by the Green Party of Maine and the Green Party of Connecticut. At that gathering, several Committees were formed to work on Bylaws and other governance issues. Shortly after the gathering, the Association incorporated a ballot access clearinghouse as a Pennsylvania nonprofit corporation to provide a fiscal vehicle to support the continued development of State Green Parties. On February 18, 1997, that nonprofit corporation received federal tax status as a 501(c)(4) corporation from the Internal Revenue Service, and the fictitious name "Association of State Green Parties" was filed with the Pennsylvania Department of State for that corporation. *See* Attachment One to this Memorandum.

On July 5, 2001, and following the name change of the Association of State Green Parties to the Green Party of the United States, a separate Employer Identification Number (EIN) was obtained in preparation for the receipt of National Committee status for the Coordinating Committee of the Green Party of the United States. A bank account on behalf of the Green Party of the United States was opened on August 9, 2001, to handle the collateral expenses associated with the processing of the Advisory Opinion Request (AOR). It is the intention of the Green Party of the United States to file Form One and begin formal operations as a National Committee political committee following the ruling by the Federal Election Commission on AOR 2001-13.

## Trademark Status

In mid-1997, the Association of State Green Parties retained the firm of Nims, Howes, Collison, Hansen & Lackert in New York City to file a trademark application with the United States Patent and Trademark Office for the wording "The Green Party." As a Class 42 mark, the Trademark would have given exclusive national use of the name "The Green Party" to the Association of State Green Parties. *See* Attachment Two to this Memorandum. Because the name has been - and continues to be - used extensively in commerce by State Green Parties, Green Parties in other countries, and local Green Parties, the Patent and Trademark Office denied the application. However, as per the law and regulations governing Trademark Applications, the application is active and the mark will become effective if unchallenged after the lapse of a certain number of years.

The only other application ever received by the Patent and Trademark Office for a similar mark was submitted by the "Greens/Green Party USA". The organization attempted to file first for a "general membership mark" (used solely by membership based trade unions or professional associations), and then for a "collective membership mark" (used solely by trade unions). Both attempts were considered to be "abandoned" by the Patent and Trademark Office following the failure of the "Greens/Green Party USA" to pursue the Trademark past the initial filing.

The Association of State Green Parties' Trademark Application for "The Green Party" remains the sole processed Application for that mark.

PENNSYLVANIA DEPARTMENT OF STATE  
CORPORATION BUREAU  
ROOM 308 NORTH OFFICE BUILDING  
P.O. BOX 8722  
HARRISBURG, PA 17105-8722

429

ASSOCIATION OF STATE GREEN PARTIES

THE CORPORATION BUREAU IS HAPPY TO SEND YOU YOUR FILED DOCUMENT.  
PLEASE NOTE THE FILE DATE AND THE SIGNATURE OF THE SECRETARY OF THE  
COMMONWEALTH. THE CORPORATION BUREAU IS HERE TO SERVE YOU AND WANTS  
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0769-0770

T LINZEY  
2244 LINDSEY LOT RD  
SHIPPENSBURG PA 17257

**NIMS, HOWES, COLLISON, HANSEN & LACKERT**

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ELIZABETH ATKINS  
THOMAS H. CURTIN  
KEITH E. SHARKIN

ROBERT L. POWLEY  
EDWIN J. LUBIN  
PAUL W. GARRITY  
PATRICIA G. BADE\*  
ROBERT M. WASNOFSKI, JR.  
CATHERINE S. REYNOLDS\*

\*CONNECTICUT BAR ONLY

September 30, 1997

**VIA FIRST CLASS MAIL**

Tom Linzey, Esq.  
CELDF  
2244 Lindsay Lot Road  
Shippensburg, PA 17257

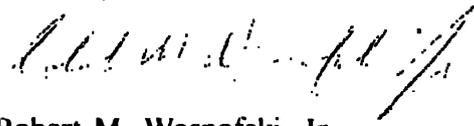
Re: Trademark: The Green Party  
Class: 42  
Applicant: The Association of State Green Parties

Dear Tom:

Enclosed please find a copy of the official filing receipt received from the United States Patent and Trademark Office for the above-referenced mark. Please note that we have requested that the Patent and Trademark Office correct the legal identity of applicant to read "unincorporated association organized under the laws of Pennsylvania."

We will keep you closely advised as to the status of this application.

Sincerely,



Robert M. Wasnofski, Jr.

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